Scott. H-37—87,004—12-14-45.

Development (1948) Department.

No SERIES.

G.O. No. 1472

Dated 23-3-1948

[Despatch Abstract.]

Education Industrial— Government Training School, Mangalore— Rent for building occupied— Enhancement— Payment for— orders.

No.586-C.1746

Office of the Director of Industries and Commerce. Chepauk, Madras d/25-2-1948.

From

Sri P.Govinda Menon B.E.,
Joint Director of Industries and Commerce,
Chepauk, Madras.

To

The Secretary to Government,
Development Department,
Madras.

Sir,

Sub:- Building - School Building - Government Trade School, Mangalore - Enhancement of rent - Payment of - Sanction - Requesting.

Ref:- G.O.No.Ms.3420 Dev. dated 6-9-1946.

In G.O. cited, sanction was accorded for the renewal of the lease of the building belonging to Mr. F.P.S. Albuquerque, in which the Government Trade School, Mangalore, is located, for a period of six months from 1st June 1946 on a rental of Rs.170/- p.m. The officer in charge thereupon wrote to the owner of the building to renew the lease, and the latter did not execute any further lease deed, but preferred a petition to the Rent Controller, Mangalore for the enhancement of the rent by 50% with effect from 1-10-1946. The Rent Controller passed orders in his H.R.C.O.2118/47 dated 30-9-47 (copy enclosed) after personal inspection of the building, enhancing the rent by 30% over the rental value prevailing in 1939-40 and fixed the rent at Rs.221/- p.m. with effect from 8th March 1947 the date of presentation of the petition by the owner. On an appeal preferred by the owner against the above orders in the Court of Subordinate Judge, Mangalore, the order passed by the Rent Controller was confirmed and the case was dismissed with costs. The case was contested by the Government Pleader on behalf of the Government in both the courts.

Now the owner of the building in his letter dated 20-1-1948 addressed to the Officer in charge, has demanded the arrears of rent from 8th March 1947 at the enhanced rate with interest at 6% immediately. In the absence of specific court orders regarding payment of interest, the owner is not entitled to it.

In the circumstances, I request that Government may be pleased to sanction the payment of the enhanced rent of Rs.221/- with effect from 8th March 1947. The expenditure will be met from the anticipated savings of the Department. As the payment has to be made before 31st. March, I solicit early orders of Government.

For Joint Director of Industries and Commerce
Madras.

RA/26.2.

Encl: one.

Office of the Director of Industries and Commerce, Chepauk, Madras. d/25-2-1948

Copy of Order H.R.C.O.2.118/47 dated 30-9-1947 from the Rent Controller. Mangalore.

Between:

F.PS. Albuquerque ... Petitioner.

and

The Governor of Madras represented by Joint Director of Industries & Commerce, Madras. Respondent.

ORDER.

This is a petition under section 4 and 5 of the Madras Buildings Act for the fixation of fair rent in respect of non-residential building in T.S.Nos. 232/1B and 232/4B of Cantonment Ward Mangalore town occupied by the Government Trades School. The present rental of the building is Rs.170-0-0 per month. It was the same rent in 1939-40 also. The petitioner requests on enhancement of 50% of the old rental value.

2. The clerk of the petitioner was examined as P.W.1. He files EX.P1 the Municipal extract for 1939-40. The rental value of the building was Rs.170/- then. The respondent is occupying it since 1939 on a rental of Rs.170/-. The premises is situated at the junction of 4 important roads and as it is situated in a very prominent locality, he requests the maximum enhancement of 50% may be allowed.

3. The Welfare Officer of the Government Trades School was examined as R.W.1 He files EX.R1 the reply of the Municipal Commissioner stating that the present rental value of the building is Rs.1564/- per annum i.e. Rs.130/- per month. He says that the building is not in good state of repairs, the back portion of the building being not in a safe condition. He however admits that minor repairs and white washing were done three months ago.

4. I inspected the building on 19-9-47 in the presence of both parties. The back portion of the building has been repaired and is in use now. But only casurina rafters are used in many places. One of the beams which is cracked has not been replaced but a support is given to it. The building has no doubt deteriorated in value since 1939-40. The buildings are situated in a prominent locality and they will certainly fetch much more if let out in the open market; but the petitioner would be entitled for the maximum enhancement of 50% only if he had maintained the building in the same condition as it was in 1939-40 by replacing the old and broken beams and rafters with the same kind of timber. But as he has done only temporary repairs by giving a support to a cracked beam and by replacing the rotten rafters with casurina reapers, he cannot certainly claim the maximum enhancement. In the circumstances I consider that an enhancement of 30% over the rent prevailing in 1939-40 would be quite fair and under section 4 of the Madras Building Act, I fix the fair rent at Rs.221/- (Rupees Two hundred and twenty one only) per month with effect from the date of presenting this petition i.e. 8-3-1947.

Dictated to the shorthand writer, the transcript revised by me.

/True copy/

RA/26.2.

D. P. Rangadas
Superintendent

Pl. move hdr 1 to 2 / 28/3

Hdr 3 23 Dec

5

C.F. 16.

DRAFT FOR APPROVAL.

Dev Dept (PL)

	Date.	Initials.
When received for fair copying ..	24/2	CAS 24/2
When copied ..	24/2	CAS 24/2
When examined..		
When signed ..		
When despatched.		

SUBJECT:— Education- Industrial- Govt. Trade school, Mangalore ~~Buildings, School Building Govern-~~ Rent for building occupied- ~~ment- Trade School, Mangalore~~ - Enhancement- ~~of rent~~ payment- of - orders -

p4 cf (W) READ AGAIN G.O Ms. 3420 Dev, dated 6 - 9 - 1946

" " " " 19

READ *ALSO*:—

p1 cf. C. No. 24679 D1/48 From the DIrE, No. 5864/46 dated 25-2-1948.

" " " " 19

" " " " 19

Order ~~Resolution~~ Ms. ~~Rout.~~ No. 1472, dated 23 - 3 - 1948

H. E. the Governor of Madras Sanctions the payment of the enhanced rent of Rs. 221/- (Rs Two hundred and twenty one) with effect from 8-3-1947 for the building occupied by the Government Trade School, Mangalore.

Encl. to Govt. Memo. Dt. 23/3/48
To the DIrE 5348 6/8/48
Ag. IFA & Chief Sec.
Copy to SFR

CAS 16.3.48

To As.

Please see letter from the DIrE at P1 cf the Rent Controller, Mangalore has fixed the rent payable to the owner at Rs 2-/- per mensem with effect from 8.3.47 and the orders of Rent Controller has been confirmed by the Court of Subordinate Judge Mangalore. In the circumstances, this department may accept the proposal of the DIrE to

b

as fresh [The renewal of the execution of a fresh lease deed in this case is not necessary as under the Continuance of tenancy in the buildings is protected under the 'Madras Building (Lease and Rent Control) Act 1946'] subject to orders, a draft order overleaf is submitted for approval. Fin dept may see the case for acceptance.

with ref to N.A on p1 Cl K

5/3/48 16.3.48

Fin

Through 'N' see Finance (Expc) Fin 16.3.48

The letter from the D.I.&C., on p1 cf, Dev U.O. 24679 DI/48-1 and the notes thereon may be perused. 16.3.48

2/. In the circumstances explained, the draft order overleaf may be accepted. (The excess over the previous rent is Rs 57/-.)

ASST. SECRETARY TO GOVERNMENT 17 MAR 1948 Expc FINANCE DEPARTMENT

21.3.48

Dept may be requested to state, after issuing the draft order, whether any reply has been received to para 2 of Go 3420 Dev. dt 6.9.46 and if so what decision was taken on it

20.3.48 16.3.48

2/ Dev 21.3.48

Very urgent

To A.S. (Fin. dept's note above)

No 34522 DI/48 Dated 17.3.1948 Rec'd 18.3.48

'X' above. The draft order over leaf may issue.

'Y' above It is submitted that no proposal has been received from the D.I.&.C. so far, with reference to his report at 'B' on p.1cf of (W) G.O.Ms 3420 Dev dt 6-9-46 Orders on the proposal for opening a Polytechnic at Mangalore with the existing Industrial School as an adjunct to it were issued only recently. The D.I.&. C. may perhaps submit his proposals as directed in para 2 at p.9cf of (W) in due course.

SIXTH ASSISTANT SECRETARY TO GOVERNMENT DEVELOPMENT DEPARTMENT 20 MAR 1948

Vide copy of G.O.Ms No 1029 Dev dt 31-12-47

P.T.O.

CM 24679 ET/48

6

for perusal of the note at 'A' above

The case may be sent to Finance Department after issue of the draft order, ~~for perusal of this note~~.

pl above

+ Secretary 23/3/48

+ Fd above 23/3/48

CPP 23.3.48

Fin (Exp)

Finance (Exp)

Dev.G.O. 24679 ET/48-2

[Previous finance notes on 5 above]

25.3.48

ASST. SECRETARY TO GOVERNMENT 25764 30 MAR 1948 FINANCE DEPARTMENT

May be perused and returned to Dept. Apparently no proposal was subd. as the owner did not press for the release of the building in which the school is still being continued – cf K on p. 6 above.

1.4.48

2.4.48 Dept

38769 ET/48

5.4.48

A

Fin no. 25764 Exp/47

Dev Dept

To A.S.

(Previous note of this dept at 6 above)

Further note of Fin. dept. may be perused. With ref to 'A' above, it is submitted that no proposal has so far been received from the Dept. No further action seems called for in this file. ~~For orders while~~ The papers may now be filed above closing as G.O Ms. 1472 Dev dt 23-3-48.

2.4.48

7.4.48

CPP 11.4.48

Fd above [G.O Ms. 1472 Dev dated 23-3-48]